

☐ FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (MODIFIED)

ATTORNEY'S DOCKET NUMBER

X-15439

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

10/577967

INTERNATIONAL APPLICATION NO.
PCT/US2004/035513

INTERNATIONAL FILING
DATE
**08 November 2004
(08.11.2004)**

PRIORITY DATE CLAIMED
20 November 2003 (20.11.2003)

TITLE OF INVENTION: VITAMIN D RECEPTOR MODULATORS



APPLICANT(S) FOR DO/EO/US.: Robert Peter Gajewski, Charles David Jones, Jared Harris Linebarger, Jianliang Lu, Tianwei Ma, Sunil Nagpal, and Ying Kwong Yee

Applicant herewith submits to the U.S. Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A declaration of the inventors 35 U.S.C. 371(c)(4) was provided in the PCT Request Form.
11. ☐ A copy of the International Preliminary Report on Patentability (IPRP), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 12. to 18. below concern document(s) or information included:

12. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. ☒ Search Report from ISA/EP
13. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ Assignment has been recorded at reel _____, frame _____.
15. ☒ A **FIRST** preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A Sequence Listing, 1.821 Statement, and diskette.
17. ☒ A power of attorney with 3.73(b) certificate
18. ☒ Other items or information:
Please amend the first page of the specification by inserting the following cross-reference after the title:
"This is the national phase application, under 35 USC 371, PCT/US2004/035513, filed 08 November 2004, which, claims the benefit, under 35 USC 119(e), of US provisional application 60/523,878 filed 20 November 2003."

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/577967		INTERNATIONAL APPLICATION NO. PCT/US2004/035513		ATTORNEY'S DOCKET NUMBER X-15439	
19.	<input checked="" type="checkbox"/>	The following fees are submitted:			CALCULATIONS PTO USE ONLY
(a)		Basic national fee (37 CFR 1.492(a)).....\$300.00			\$300.00
(b)		Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200			\$200.00
(c)		Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400 All other situations.....\$500			\$400.00
TOTAL AMOUNT (a + b + c) =					\$ 900.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					\$
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total claims		25-20=	5	X \$50.00	\$ 250.00
Independent claims		6-3=	3	X \$200.00	\$ 600.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	\$ 850.00
TOTAL OF ABOVE CALCULATIONS =					\$1,750.00
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).					\$
SUBTOTAL =					\$1,750.00
Processing fee of \$130.00 for furnishing English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$
TOTAL NATIONAL FEE =					\$1,750.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).					\$
TOTAL FEES ENCLOSED =					\$1,750.00
					Amount to be refunded \$
					charged \$
a.	<input type="checkbox"/>	A check in the amount of \$_____ to cover the above fees is enclosed.			
b.	<input checked="" type="checkbox"/>	Please charge my Deposit Account No. 05-0840 in the amount of <u>\$1,750.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.			
c.	<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: ELI LILLY AND COMPANY PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, INDIANA 46206-6288 <u>02 may 2006</u> Date <u>42.021</u> REGISTRATION NUMBER		 SIGNATURE James B. Myers <u>317.276.0755</u> TELEPHONE NUMBER		 25885 PATENT TRADEMARK OFFICE	

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JAP20 Rec'd PCT/PTO 02 MAY 2006

IN THE UNITED STATES RECEIVING OFFICE (USRO)

Applicant(s): GAJEWSKI, Robert Peter, et. al.
International Application No: PCT/US2004/035513
Filed: 08 November 2004 (08.11.2004)
Invention: VITAMIN D RECEPTOR MODULATORS
Lilly Reference: X-15439
Earliest Priority Date: 20 November 2003 (20.11.2003)

Certificate Under 37 C.F.R. § 1.10

Attention: DO/EO
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

"Express Mail" mailing label number: EL832895381US

Date of Deposit: MAY 02, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

QUEEN P. THOMAS
(Typed or printed name of person mailing paper)

Queen Thomas
(Signature of person mailing paper or fee)